

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 69 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

AYUKADAR MANGALBHAI

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR BD DESAI, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 08/04/96

ORAL JUDGEMENT

The present petition under Article 226 of the Constitution of India requires a recognition. The prisoner Ayubkadar Mangalbai has been denied the furlough on the ground that, the police opinion is adverse. It is also sought to be suggested that, previously, he was late in surrender, but, this does not appear to be correct because, the remarks would go to

show that the two co-accused were on furlough and one could present himself at a late juncture, while the other co-accused is still at large and is not traceable. These reasons are hardly be the reasons in eye of law for rejecting the furlough. The petition is allowed. The prisoner is granted furlough for a period of two weeks. The I.G.Prisons shall release him on furlough after the performance of the necessary formalities. The necessary conditions for securing his presence, after the furlough can also be imposed by the I.G. Prisons. Rule is made absolute accordingly.
